

JS 44C/SDNY  
REV. 06/01/17

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

Tigran Ohanian, individually and on behalf of all other persons similarly situated, et al.,

**DEFENDANTS**

Apple Inc. and T-Mobile USA, Inc.

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Oved & Oved LLP      Aaron J. Solomon, Esq.  
401 Greenwich St.      (212) 226-2376  
New York, NY 10013

**ATTORNEYS (IF KNOWN)**

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

<sup>28</sup> U.S.C. § 1332(d)(2); New York General Business Laws §§ 349 and 350; fraudulent misrepresentation; and unjust enrichment.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

**IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No  Yes

#### NATURE OF SUIT

TORTS

**ACTIONS UNDER STATUTES**

| CONTRACT   | PERSONAL INJURY                                  | PERSONAL INJURY  | FORFEITURE/PENALTY                              | BANKRUPTCY  | OTHER STATUTES   |
|--|--|--|---|---|--|
| [ ] 110 INSURANCE  | [ ] 310 AIRPLANE                                 | [ ] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY | [ ] 625 DRUG RELATED SEIZURE OF PROPERTY        | [ ] 422 APPEAL<br>28 USC 158  | [ ] 375 FALSE CLAIMS   |
| [ ] 120 MARINE   | [ ] 315 AIRPLANE PRODUCT LIABILITY               | [ ] 365 PERSONAL INJURY PRODUCT LIABILITY                            | [ ] 21 USC 881                                  | [ ] 423 WITHDRAWAL  | [ ] 376 QUI TAM  |
| [ ] 130 MILLER ACT   | [ ] 320 ASSAULT, LIBEL & SLANDER                 | [ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY                   | [ ] 690 OTHER                                   |   | [ ] 400 STATE REAPPORTIONMENT  |
| [ ] 140 NEGOTIABLE INSTRUMENT                              | [ ] 330 FEDERAL EMPLOYERS' LIABILITY             |  |   |   | [ ] 410 ANTITRUST  |
| [ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT  | [ ] 340 MARINE                                   | <b>PERSONAL PROPERTY</b>   | [ ] 820 COPYRIGHTS                              |   | [ ] 430 BANKS & BANKING  |
| [ ] 151 MEDICARE ACT                                       | [ ] 345 MARINE PRODUCT LIABILITY                 | [ ] 370 OTHER FRAUD  | [ ] 830 PATENT                                  |   | [ ] 450 COMMERCE   |
| [ ] 152 RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS) | [ ] 350 MOTOR VEHICLE                            | [ ] 371 TRUTH IN LENDING   | [ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION |   | [ ] 460 DEPORTATION  |
| [ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS      | [ ] 355 MOTOR VEHICLE                            |  | [ ] 840 TRADEMARK                               |   | [ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)           |
| [ ] 160 STOCKHOLDERS SUITS                                 | [ ] 360 OTHER PERSONAL INJURY                    | [ ] 380 OTHER PERSONAL PROPERTY DAMAGE                               |   | <b>SOCIAL SECURITY</b>  | [ ] 480 CONSUMER CREDIT  |
| [ ] 190 OTHER CONTRACT                                     | [ ] 362 PERSONAL INJURY - MED MALPRACTICE        | [ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY                            | <b>LABOR</b>                                    |   | [ ] 490 CABLE/SATELLITE TV   |
| [ ] 195 CONTRACT PRODUCT LIABILITY                         |  |  | [ ] 710 FAIR LABOR STANDARDS ACT                | [ ] 861 HIA (1395f)<br>[ ] 862 BLACK LUNG (923)<br>[ ] 863 DIWC/DIWV (405(g)) | [ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE                                |
| [ ] 196 FRANCHISE  | <b>ACTIONS UNDER STATUTES</b>                    | <b>PRISONER PETITIONS</b>  | [ ] 720 LABOR/MGMT RELATIONS                    | [ ] 864 SSD TITLE XVI<br>[ ] 865 RSI (405(g))                                 |  |
|  |  | [ ] 463 ALIEN DETAINEE   | [ ] 740 RAILWAY LABOR ACT                       |   | [ ] 890 OTHER STATUTORY ACTIONS  |
|  |  | [ ] 510 MOTIONS TO VACATE SENTENCE                                   | [ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)         | <b>FEDERAL TAX SUITS</b>  | [ ] 891 AGRICULTURAL ACTS  |
|  |  | 28 USC 2255  |   |   |  |
|  | <b>CIVIL RIGHTS</b>                              | [ ] 530 HABEAS CORPUS  | [ ] 790 OTHER LABOR LITIGATION                  | [ ] 870 TAXES (U.S. Plaintiff or Defendant)                                   | [ ] 893 ENVIRONMENTAL MATTERS  |
|  |  | [ ] 535 DEATH PENALTY  | [ ] 791 EMPL RET INC SECURITY ACT (ERISA)       | [ ] 871 IRS-THIRD PARTY   | [ ] 895 FREEDOM OF INFORMATION ACT                                       |
|  |  | [ ] 540 MANDAMUS & OTHER   | 26 USC 7609                                     |   |  |
| <b>REAL PROPERTY</b>                                       | [ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)        |  |   |   | [ ] 896 ARBITRATION  |
|  | [ ] 441 VOTING                                   |  | <b>IMMIGRATION</b>                              |   | [ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION |
| [ ] 210 LAND CONDEMNATION                                  | [ ] 442 EMPLOYMENT                               | <b>PRISONER CIVIL RIGHTS</b>   | [ ] 462 NATURALIZATION APPLICATION              |   |  |
|  | [ ] 443 HOUSING/ ACCOMMODATIONS                  |  | [ ] 465 OTHER IMMIGRATION ACTIONS               |   | [ ] 950 CONSTITUTIONALITY OF STATE STATUTES                              |
| [ ] 220 FORECLOSURE  | [ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | [ ] 550 CIVIL RIGHTS   |   |   |  |
| [ ] 230 RENT LEASE & EJECTMENT                             |  | [ ] 555 PRISON CONDITION   |   |   |  |
| [ ] 240 TORTS TO LAND                                      | [ ] 446 AMERICANS WITH DISABILITIES - OTHER      | [ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT                     |   |   |  |
| [ ] 245 TORT PRODUCT LIABILITY                             |  |  |   |   |  |
| [ ] 290 ALL OTHER REAL PROPERTY                            | [ ] 448 EDUCATION                                |  |   |   |  |

*Check if demanded in complaint:*

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ 5,000,000.00 OTHER

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

(PLACE AN x IN ONE BOX ONLY)

|   |   |  |   |  |   |   |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court       | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened                 | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
|   | <input type="checkbox"/> a. all parties represented       |  |   |  |   |   |
|   | <input type="checkbox"/> b. At least one party is pro se. |  | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) |  |   |   |

(PLACE AN x IN ONE BOX ONLY)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.**

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

|                          |  |                                       |  |                                       |                                       |  |                                       |                                       |
|--------------------------|--|---------------------------------------|--|---------------------------------------|---------------------------------------|--|---------------------------------------|---------------------------------------|
| CITIZEN OF THIS STATE    | <input type="checkbox"/> PTF<br>[ ] 1            | <input type="checkbox"/> DEF<br>[ ] 1 | CITIZEN OR SUBJECT OF A<br>FOREIGN COUNTRY                   | <input type="checkbox"/> PTF<br>[ ] 3 | <input type="checkbox"/> DEF<br>[ ] 3 | INCORPORATED and PRINCIPAL PLACE<br>OF BUSINESS IN ANOTHER STATE | <input type="checkbox"/> PTF<br>[ ] 5 | <input type="checkbox"/> DEF<br>[ ] 5 |
| CITIZEN OF ANOTHER STATE | <input checked="" type="checkbox"/> PTF<br>[ ] 2 | <input type="checkbox"/> DEF<br>[ ] 2 | INCORPORATED or PRINCIPAL PLACE<br>OF BUSINESS IN THIS STATE | <input type="checkbox"/> PTF<br>[ ] 4 | <input type="checkbox"/> DEF<br>[ ] 4 | FOREIGN NATION   | <input type="checkbox"/> PTF<br>[ ] 6 | <input type="checkbox"/> DEF<br>[ ] 6 |

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Tigran Ohanian  
Moscow, Russia      Reggie Lopez  
Tampa, Florida

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Apple Inc.  
One Apple Park Way  
Cupertino, CA 95014

T-Mobile USA, Inc.  
12920 SE 38th St.  
Bellevue, WA 98006

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

## COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 7/07/2020 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] N

YES (DATE ADMITTED Mo. July Yr. 2006

Attorney Bar Code # AS8504

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)